

U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

FILED

MAY 28 2021

Clerk, U.S. District Court
Eastern District of Texas

Mr. Michael Moates

Plaintiff

v.

Facebook Inc.

Defendant

Case No.: 4:20-cv-00896

**MOTION FOR LEAVE TO
WAIVE DISCOVERY
CONFERENCE OR ORDER
REQUIRING CONFERENCE**

On 23 May 2021, the Plaintiff emailed counsel for the Defendants requesting that we initiate a conference under Federal Rule of Civil Procedure 26. The basis of this conversation was to follow the rules of a requirement for conference prior to sending discovery requests. The Defendants responded by declining this request.

CV-26 states "Absent a court order to the contrary, a party is **not excused from responding to discovery because there are pending motions to dismiss, to remand, or to change venue**. Parties asserting the defense of qualified immunity may submit a motion to limit discovery to those materials necessary to decide the issue of qualified immunity."

Due to the fact, that the Defendants are refusing to cooperate and due to the fact that the court rule clearly states that they are not excused from this requirement the Plaintiffs move for a waiver of this requirement. Absent, a waiver of this requirements, the Plaintiff moves for an order requiring such conference.

